

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6948

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO CURBELO, a/k/a Murando,

Defendant - Appellant.

No. 09-7361

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO CURBELO,

Defendant - Appellant.

Appeals from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:99-cr-00109-GCM-DCK-1; 3:09-cv-00150-GCM)

Submitted: September 29, 2009

Decided: October 8, 2009

Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Francisco Curbelo, Appellant Pro Se. Amy Elizabeth Ray,
Assistant United States Attorney, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Francisco Curbelo seeks to appeal the district court's orders denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2009) motion and denying his motion for bail. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Curbelo has not made the requisite showing. Accordingly, we deny certificates of appealability, deny Curbelo's motions to appoint counsel and to supplement the record, and dismiss the appeals. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED